

| Agenda Item |  |
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| A-1         | Wish to be heard at the Open Comment Period was Roger Aakre, 2309 24 <sup>th</sup> Street N.W., discussing snow removal procedures. Mr. Aakre said that when snow plowing occurs on his street, the plows are catching the edge and throwing dirt and sod onto the boulevards. There is no concrete curbing along the street. He said that the plows also fill the driveway after he has already shoveled the area. Mr. Aakre was told to give his name and address to Richard Freese, Public Works Director, and the City would repair the damaged boulevard in the spring. |
| B-1         | President John Hunziker called the meeting to order at 7:00 P.M. with the following members present: Councilmembers Dennis Hanson, Marcia Marcoux, Jean McConnell, Sandra Means, Bob Nowicki, Walter Stobaugh. Absent: None. Also Present: Mayor Ardell F. Brede.  |
| C-1         | Councilmembers Stobaugh moved, McConnell seconded, to adopt Resolution No. 053-04 referring the petition for "Extension of Sanitary Sewer and Watermain to Serve 2034, 2040, 2048, and 2110 TH 14 East" to the Public Works Department for a feasibility report. Ayes (7), Nays (0). Motion carried.   |
| D-1-19      | Councilmembers Hanson moved, Stobaugh seconded, to approve the following agenda items.   |
| D-1         | There were no minutes for approval.  |
| D-2         | Approved an amendment to the Pawnbrokers Ordinance to establish a fee of \$1.50 per transaction to cover the City's cost of participating in the Automated Pawn System and instructed the City Attorney's Office to prepare the required ordinance for adoption.   |
| D-3         | <p>Approved the following licenses and miscellaneous activities:</p> <p><u>Gambling – Premise Permit</u><br/>Dover Fire Relief Association – permits at Boomers Lounge LLC, Moose Lodge #2128 and Elks Lodge</p> <p><u>Gambling – Temporary</u><br/>Children's Dance Theatre – Raffle at John Marshall High School – March 7, 2004.</p>  |
| D-4         | Adopted Resolution No. 054-04 entering into a software contract with Kronos, Incorporated for the purchase of electronic payroll time entry software.  |
| D-5         | Approved Accounts Payable for Investment Purchases of \$3,998,900.00 and Accounts Payable of \$2,788,218.31.   |
| D-6         | Adopted Resolution No. 055-04 approving the Environmental Impact Statement for the Harvestview Development EAW.  |
| D-7         | Approved an ordinance enacting a six-month moratorium on the construction of detached or attached accessory structures housing wood-burning stoves or  |

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## RECORD OF OFFICIAL PROCEEDINGS OF THE COMMON COUNCIL

CITY OF ROCHESTER, MINN. February 2, 2004  
Adjourned Meeting No. 55

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|             | furnaces and direct staff to conduct a study as described in Item D-7 Request for Council Action and instruct the City Attorney to prepare the required ordinance for adoption.  |
| D-8         | Adopted Resolution No. 056-04 acknowledging the City's support and sponsorship of the path project and authorizing the Public Works Director to act on the City's behalf in filing and administering the application for the Bituminous Path Parallel to East Circle Drive between CSAH-2 (near Century High School) and TH 63 (N Broadway & East Circle Drive). |
| D-9         | Adopted Resolution No. 057-04 accepting the feasibility report and establishing a project hearing for March 1, 2004, for Project No. M1-80 (J-9836) "Sanitary Sewer and Watermain Extension to serve the Vandals Subdivision Area".  |
| D-10        | Adopted Resolution No. 058-04 authorizing payment of Supplemental Agreements #1, #2, and #3 for Project No. M1-36 (J-9799) "Sanitary Sewer and Watermain in Portions of Section 35 Rochester Township".  |
| D-11        | Adopted Resolution No. 059-04 authorizing payment of Supplemental Agreements #1, #2, #3, #4 and #5 for Project No. M1-32 (J-9793) "Sanitary Sewer and Watermain in Sunnydale Subdivision".   |
| D-12        | Adopted Resolution No. 060-04 authorizing payment of Supplemental Agreement #1 for Project No. M1-31 (J-9792) "Sanitary Sewer and Watermain Extension to Serve the Southport Subdivision Area".  |
| D-13        | Adopted Resolution No. 061-04 authorizing payment of Supplemental Agreements #1, #2, and #3 for Project No. M1-06 (J-9750) "Sanitary Sewer and Watermain Extension to Serve the Rose Haven Subdivision Area".  |
| D-14        | Adopted Resolution No. 062-04 authorizing the increased driveway width to 36.00 feet for the access serving the McDonalds at 1503 Second Street N.W.   |
| D-15        | Referred to the Public Works Department recommendations from the Pedestrian Safety Committee for safety improvements in Teton Lane N.E. and 11 <sup>th</sup> Avenue N.E. area.   |
| D-16        | Adopted Resolution No. 063-04 approving Task Order No. 4 for the final design for Project No. J-4390 - Water Reclamation Plan Expansion and Upgrade Project Option 1A.   |
| D-17        | Adopted Resolution No. 064-04 approving a Professional Services Agreement with H.R. Green Company for Preliminary Design for Project No. J-4366 "Sanitary Sewer Tunnel".   |
| D-18        | Adopted the following Public Utility resolutions:  |

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| D-19        | <p>Resolution No. 065-04 approving a two-year contract agreement with Asplundh Tree Expert Company for 2004 and 2005 hourly line clearance tree trimming not to exceed \$175,138.00 in 2004 and \$188,720.00 in 2005.</p> <p>Resolution No. 066-04 approving a contract with Hathaway Tree Service, Inc. for lump-sum line clearance tree trimming for 2004 in the amount of \$95,981.00.</p> <p>Resolution No. 067-04 approving a contract with IBM to Standby Electric Service for B31/EG#2 with initial pricing finalized by the designated representative prior to initiating service.</p> <p>Adopted Resolution No. 068-04 approving a lease agreement with Bryce DeCook for storage of biosolids application equipment needed at the Rochester International Airport.</p> <p>Ayes (7), Nays (0). Motion carried.</p>  |
| E-1         | <p>A Hearing on Vacation Petition #03-10, Marigold Foods, LLC to vacate right of way located west of West Silver Lake Drive and south of 5<sup>th</sup> Street NE.</p> <p>Staff recommended that the item be continued to the February 18, 2004 meeting to provide additional time to coordinate with the applicant regarding several items.</p> <p>Councilmembers Marcoux moved, Means seconded, to continue Vacation Petition #03-10, Marigold Foods, LLC to February 18, 2004. Ayes (7), Nays (0). Motion carried.</p>   |
| E-2         | <p>A Continued Hearing on Zoning District Amendment #03-22 by COPAR Development to rezone from R-1 to B-4 and R-1x land located West of TH63, south of TH52 and Southtown Heights and north of 36<sup>th</sup> Street SW.</p> <p>President Hunziker noted that he was opening the hearing for Item E-3 stating that testimony would be relevant to both E-2 and E-3.</p> <p>Wishing to be heard was Jeff Broberg, McGhie &amp; Betts Vice-President for Environmental Issues, representing the developer, Tom Hansen from COPAR. Mr. Broberg said that they will retain their application for R1x but will not be seeking R-2 zoning on the site. He said that they plan on putting a 35-foot buffer on the north and south lines of the property next to the single-family housing that exists. That buffer will be an area that remains undisturbed. They will build single-family homes with detached garages next to the buffered area. Mr. Broberg noted that they are in agreement with the 11 conditions and in agreement with the two additional conditions recommended by the Planning Department. Those two conditions are: (12) The developer shall provide a 35-foot wide buffer (no build zone) along the north and south sides of the property adjacent to the existing residential developments, and (13) The development is limited to a one-story detached dwelling along the north side of the development adjacent to Southtown Heights and on the south side, south of the private street, adjacent to Willow Heights. The density of development shall be limited to a maximum of 5.5 units/acre within this</p> |

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area. In response to a question from Councilmember Stobaugh, Mr. Broberg said that the Fleet Farm entrance at 36<sup>th</sup> Street/TH63 will be closed as a part of the Highway 63 project and traffic will need to go to 40<sup>th</sup> and onto the frontage road. Construction equipment will use 36<sup>th</sup> Street and Willow Ridge Drive.

Richard Freese, Public Works Director, noted that a private roadway through the townhome development will be proposed as a secondary access to limit the use of Willow Ridge Drive. There is an advantage to narrow streets widths and narrow building setbacks and the ability to do traffic calming on the private road that would not normally be done on a private street.

Wishing to be heard was Zachary Klaus, 504 33<sup>rd</sup> Street S.W. Mr. Klaus addressed several concerns. 1. If the wetlands and the Fen are not preserved, how much land is developable. In 2001 a road was proposed between the creek and the Fen. At that time the land was not known as a Fen and the road was proposed to go through. Mr. Klaus said that he took pictures of the mud and at that point the DNR identified the Fen. Potentially it cannot all be developed. 2. There is one area that Decorah Edge is present that has not been addressed. The residents along 33<sup>rd</sup> Street have wells. Some of the wells have been sealed and grouted to prevent seepage into the Decorah scale. The Decorah Edge is approximately 39 feet down. If a road and townhome are cut into the hill, you are cutting into the Decorah Edge which will affect the water flow. 3. Mr. Klaus showed a picture of stakes denoting the property line and a tarp 35 feet from the property line. He showed that same picture 75 feet and 100 feet from the property line to illustrate that there is no buffer. There are adult trees with very little underbrush. 4. At the Planning and Zoning meeting some comments were made about Terry Lee and his one-man stand on the Decorah Edge issue. He has no other incentive than to protect the ground water. 5. The neighbors are concerned that if the general development plan is approved it is very easy to come back to the Planning and Zoning Commission asking for a change of the project. He asked that the Council postpone any action and for the neighborhood to work with the developer to put a workable plan on the table. 6. If the request for an extension is not allowed, we ask that this plan and the general development plan be rejected.

Wishing to be heard was Olga Leontovich, 913 36<sup>th</sup> Street S.W. Ms. Leontovich talked on behalf of the neighbors from 36<sup>th</sup> and 33<sup>rd</sup> Streets. She said that the developer is offering a buffer of 35 feet. The distance between the property line and the proposed roadway is 75 feet. There is a private road on area "A". The house setback is supposed to be 25 feet. The style and type of house proposed will take between 35-40 feet of the distance. Only 10-15 feet in lot depth is left because of the easements. How will the 35 feet bufferyard be accomplished? She said that Willow Heights Drive is a narrow, hilly road with cars parked on the street. The only access to development "A" is from 36<sup>th</sup> Street. The neighbors were concerned about the construction equipment traveling on 36<sup>th</sup> Street and Willow Heights Drive. Ms. Leontovich said that there are about 100 children in the area. She asked that development "A" be removed because of the traffic impact.

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|             | <p>Wishing to be heard was Jeff Broberg, McGhie &amp; Betts. Mr. Broberg said that the 35-foot buffer is from the property line to the back of the house. This is a no-build, no-disturb area.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Means moved, Nowicki seconded, to approve Zoning District Amendment #03-22 by COPAR Development. Discussion.</p> <p>Councilmembers felt that the rezoning to R1x will be of benefit to the neighbors. The Decorah Edge and EAW will be looked at carefully and if the EAW does not come back as positive, there will be no development.</p> <p>Ayes (7), Nays (0). Motion carried.</p> <p>Councilmembers Marcoux moved, Hanson seconded, to approve General Development Plan #219, to be known as Spring Brook Valley with 13 conditions; Number 12 being "The developer shall provide a 35-foot wide buffer (no build zone) along the north and south sides of the property adjacent to the existing residential developments", and Number 13 "The development is limited to one-story detached dwellings along the north side of the development adjacent to Southtown Heights and on the south side, south of the private street, adjacent to Willow Heights. The density of development shall be limited to a maximum of 5.5 units/acre within this area"; and instructed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Ayes (7), Nays (0). Motion carried.</p> |
| E-3         | <p>A Continued Hearing on General Development Plan #219, to be known as Spring Brook Valley located West of TH63, south of TH52 and Southtown Heights and north of 36<sup>th</sup> Street SW.</p> <p>Testimony and Council action was taken jointly with Item E-2.</p>  |
| E-4         | <p>A Continued Hearing on Zoning District Amendment #03-18 by McDonald's Corporation to amend zoning from the R-3 to the B-1 district on property along the south side of 12<sup>th</sup> Street NE, east of the McDonald's restaurant.</p> <p>President Hunziker noted that he was also opening the hearing for Item E-5 stating that testimony would be relevant to both E-4 and E-5.</p> <p>Wishing to be heard was Ross Yeschek, Real Estate Department, McDonalds, Bloomington. Mr. Yeschek said that the plan was presented after meeting with the neighborhood groups for their input. McDonald's has acquired two pieces of property to update the store to better serve customers. There are currently three curb cuts on North Broadway which will be reduced to two. The existing alley to the south will be vacated to allow for in-only traffic. McDonald's wants to stay in the community and continue to employ local individuals.</p> <p>Wishing to be heard was Rich Lommen, LaCrosse, Wisconsin, operator of the McDonald's Store on North Broadway. One of the questions on expansion was the</p>  |

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encroachment into the neighborhood. They have met to address the concerns. The exit to 11<sup>th</sup> Street has been changed. The in-only access from the alley will no longer exist onto 11<sup>th</sup> Street. They had tried to relocate the north driveway onto Broadway for an exit-only but were refused by MnDot. They plan to review this again with MnDot. He said that not all of the neighbors are in favor of the vacation of the alley. There is concern about the type of fence that would be used as a buffer between the houses and alley to the east. They are proposing to build a wood fence meeting all City requirements. The neighbors have asked for a stone fence which would be cost-prohibitive.

Councilmember Nowicki said that, as a general principal, MnDot is trying to reduce the number of access points for Broadway. The alleyway would be maintained by the McDonald's business rather than the City.

Wishing to be heard was Leona Hansen, 20 11<sup>th</sup> Street N.E. Ms. Hansen said that unless you have a McDonald's in your neighborhood, you can't appreciate the mess. She said that between the restaurant and the cruising of Broadway, there is a lot of noise. She doesn't object to the restaurant on Broadway, but not on her street. She said that she doesn't want their junk in her yard and their garbage cans across from her property.

Wishing to be heard was Loren Fabian, 20 12<sup>th</sup> Street N.E. He said that his house is to the east of the proposed new McDonald's parking lot. He asked what would happen if the alley is not vacated for the driveup lane. He said that he is the only person vacating the alley.

Councilmember Nowicki commented that if the alley is not vacated, it can also be used as an exit. If vacated, it can only be used as an entrance for their driveup service. If not vacated, anyone can use it.

Wishing to be heard was Cindy Sharp, 14 11<sup>th</sup> Street N.E., asked where someone will exit if they go through the vacated alley. President Hunziker responded that either through the exit onto Broadway or 12<sup>th</sup> Street.

Brent Svenby, Planning Department, said that if the alley is not vacated, the plan of McDonald's would have to be changed as there would be no stacking in the alley to allow for the drive-thru service. If the alley is not vacated, the project would not be stopped and access would be from both First Avenue and 11<sup>th</sup> Street.

Wishing to be heard was Cindy Sharp, 14 11<sup>th</sup> Street N.E., asked about the garbage can collection area; it is in line with her front door. She was concerned about the screening and the traffic.

Wishing to be heard was Mike Fish, 7530 30<sup>th</sup> Street S.E., Eyota, son of the owner of the Gingerbread House. Mr. Fish works the night shift and is aware of the happenings in the McDonald's parking lot late at night. He said that they have no problem but have asked for an agreement with McDonald's for a curbing to allow for the safety of the delivery drivers.

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|                | <p>Wishing to be heard was Ross Yeschek, Real Estate Department, McDonalds, Bloomington. Mr. Yeschek said that if they extend the access 20-feet, they need to make sure that they have access to the north bay of the trash receptacle; they believe that only 13 feet can be agreed upon. He said that he would need to discuss with Mr. Fish (owner of Bakery) on the length. As a part of the alley vacation, all of the agreements will need to be outlined prior to applying for the alley petition.</p> <p>Wishing to be heard was Leona Hansen, 20 11<sup>th</sup> Street N.E. She said that 11<sup>th</sup> Street has not been reconstructed for 30 years. The street is about ten inches higher than the sidewalk because of repeated seal coats. She asked that signage indicate that the street is not to be used for McDonald's usage. It is okay for garbage and trucks but not for customers.</p> <p>Wishing to be heard John Eckerman, Rochester Area Chamber of Commerce. Mr. Eckerman said that the majority of neighbors and businesses are important to this project and the vast majority are okay with the project. It is important for the business to expand. The business creates jobs for the citizens and enhances the tax base.</p> <p>Wishing to be heard was Rich Lommen, LaCrosse, Wisconsin, answering a questions from Councilmember Marcoux. He said that landscaping will be done similar to the Second Street SW store and the garbage will be policed.</p> <p>Wishing to be heard was Loren Fabian, 20 12<sup>th</sup> Street N.E. He asked what the buffer distance was between the new parking lot and his property line? He said the map reads 10 feet 6 inches. Mr. Fabian said he was understanding it was to be 15 feet.</p> <p>Brent Svenby, Planning Department, said that the minimum is 10 feet but will be verified during the site development plan process. Mr. Svenby said that an additional condition should be added to Item E-5 stating: The Northerly most access to North Broadway shall be permitted if granted by MnDot".</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers McConnell moved, Nowicki seconded, to approve Zoning District Amendment #03-18 by McDonald's Corporation. Ayes (7), Nays (0). Motion carried.</p> <p>Councilmembers Nowicki moved, Stobaugh seconded, to approve General Development Plan #216 to be known as McDonald's on Broadway by McDonald's Corporation with six conditions and instructed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Ayes (7), Nays (0). Motion carried.</p> |
| E-5            | <p>A Continued Hearing on General Development Plan #216 to be known as McDonald's on Broadway by McDonald's Corporation on property along the south side of 12<sup>th</sup> Street NE, east of the McDonald's Restaurant.</p>  |

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E-6

Testimony and Council action was taken jointly with Item E-4.

A Hearing on General Development Plan #224 to be known as Morris Hills by Morris Land Development LLC located east of TH 63, north of the Viking Hills Development.

Wishing to be heard was Wade DuMond, Yaggy-Colby, representing the developer. There were concerns by the neighbors with drainage issues and the street connection to Northland Place. The connection has been planned since 1986. There is currently an access to 41<sup>st</sup> Street N.W. Two main concerns of the Planning Commission were (1) traffic running on the property line connecting Northland Place and (2) increased storm water drainage issue for the area. After another meeting with the neighborhood, the street connection of Northland Place was removed and the major street ran directly to 41<sup>st</sup> Street. The developer is in favor of removal of the Northland Place street connection. A pond can be built where the street was to go that will serve the development better. If a smaller pond is provided, another pond needs to be created on the west side of TH63 as the only other alternative. Mr. DuMond outlined on the map how the drainage will be reduced by the road placements. Drainage into back yards will be reduced quite significantly. They are proposing a 40-foot buffer that will be left in a natural state of large trees and underbrush. There will be trees above or below the road. Some areas by the road in the northwest corner will have a screen wall directly behind the homes, it is up to the neighbors to say if they would rather have trees. Mr. DuMond noted agreement with all of the conditions on pages 193 and 194 in the Report for Council Action.

Wishing to be heard was Dean Riess, 3540 16<sup>th</sup> Avenue N.E. Mr. Riess was concerned about the blasting in the area. He was also concerned about the Decorah shale and how it would be affected by the development. He asked if the roads could run north-south rather than as proposed to protect the Decorah shale. Mr. Riess also wanted to know how another proposed well by Rochester Public Utilities would affect the Decorah shale.

Wishing to be heard was Bob Mahon, 913 Northland Place N.E., fourth house in from the pond on Northland Place. He said that Northland Place should not be extended. The width of the street is only 28 feet. If traffic would be run through there, parking on the street would have to be sacrificed. Mr. Mahon submitted a petition to the City Clerk requesting that the street connection between the Vikings Hill neighborhood and the Morris Hills development be deleted. The increased traffic would be a grave concern to all if Northland Place were extended. Neighbors would rather have traffic behind their homes rather than in front. Mr. Mahon said that they would rather have a larger pond that would allow more wildlife in the area.

Wishing to be heard was Greg Bruggenthies, Al's Specialty Service, 4090 North Broadway. He said that their concern is that if 41<sup>st</sup> Street be connected, the street is going to back up traffic along the frontage road and affect their business. He said that this Father owns one piece of property where the road is to go through; how can someone build a road on that parcel if they don't have clear title to it.



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Wishing to be heard was Arleeta Rollins, 4230 TH63 North. She is the owner of the property and there is currently no contract with Mr. Bruggenthies on buying the property.

Wishing to be heard was Dick Argue, 5 Kurths Bay Court, Zumbro Falls. He noted that he and Ms. Rollins are jointly applying for the general development plan proposed.

Wishing to be heard was Melody Thompson, 925 Northland Place N.E. Ms. Thompson said that the City needs to take a good look at the intersection of 41<sup>st</sup> Street and TH63. She said that houses will eventually be developed and use the same intersection. There will be four subdivisions coming out into the intersection. Traffic signals need to be installed sooner rather than later by MnDot.

Wishing to be heard was David Kennedy, 925 Northland Place N.E. He noted that he is the second house from the pond. He asked if this will be a wet pond and not a dry pond. He hoped it would not become a sludge pond.

Wishing to be heard was Jan Thronson, 925 Northway Lane N.E. Mr. Thronson spoke against the project. He said that runoff from the homes will be flowing downhill into his yard and basement. The ponds are looking dirty, uncared for and terrible. A 40-foot buffer is not a lot.

Having no one further wishing to be heard, President Hunziker closed the hearing.

Brent Svenby, Planning Department, said that the Planning Department is in favor of Northland Place connecting to the main roadway as shown on the original General Development Plan. The connection will allow for neighborhood connectivity for many developments. It will allow for ease of traffic to other areas without going onto TH63.

Richard Freese, Public Works Director, said that the department staff felt that the stormwater pond, by being larger, provided a greater benefit to the City because it will not require that other downstream facilities be constructed. Mr. Freese said that 41<sup>st</sup> Street/TH63 intersection, as called for by ROCOG, needs to be a signalized intersection in the future.

Councilmembers Nowicki moved, Stobaugh seconded, to approve General Development Plan #224 to be known as Morris Hills by Morris Land Development LLC "C" Plan with six conditions and instructed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Discussion.

Phil Wheeler, Planning Department, said that he did not understand the reason for a buffer when there are single-family homes abutting single-family homes. There are no provisions for establishing barriers for structures that are the same. He noted that Condition #1 had been met.

Councilmember McConnell stated that he would be voting against the GDP saying that a traffic signal at 41<sup>st</sup> Street should be installed or the intersection won't work.

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|             | <p>He also said that the Decorah shale has not been given enough concern. Wishing to be heard was Wade DuMond, Yaggy-Colby Associates. Mr. DuMond recommended that the neighbors take pictures of their basements and any other part of their structures that they feel might be damaged by the blasting. In regard to the drainage issues, the majority of the water flowing behind the Viking Hills lots comes from the township area to the east. The area drains in back of the homes at the present time.</p> <p>Ayes (5), Nays (2). Motion carried. Councilmembers McConnell and Hanson voted nay.</p>   |
| E-7         | <p>A Hearing on Proposed Special District #03-07 to be known as the Valleyside Estates Third and Fourth Subdivision Special District by Lumber One Avon, Inc. located east of 40<sup>th</sup> Avenue SE and south of Highway 14 East, east of Valleyside Estates Second Subdivision.</p> <p>Having no one wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Stobaugh moved, McConnell seconded, to approve Special District #03-07 to be known as the Valleyside Estates Third and Fourth Subdivision Special District by Lumber One Avon, Inc. and instructed the City Attorney to prepare the required Ordinance for adoption. Ayes (7), Nays (0). Motion carried.</p> |
| E-8         | <p>A Hearing on Type III, Phase II Special District Amendment Final Site Development Plan #03-06 by Elton Hills Plaza West LLC on property located north of 41<sup>st</sup> Street NW and west of 31<sup>st</sup> Avenue NW.</p> <p>Wishing to be head was Jeff Brown, 1434 Salem Lane S.W. He noted agreement with the four conditions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, Marcoux seconded, to adopt Resolution No. 069-04 approving Special District Amendment Final Site Development Plan #03-06 by Elton Hills Plaza West LLC with four conditions. Ayes (7), Nays (0). Motion carried.</p>               |
| E-9         | <p>A Hearing on Amendment to General Development Plan #135 known as Scenic Oaks by Hanson &amp; Younge LLC located south of 48<sup>th</sup> Street SW, west of the Willow Creek Golf Course and south of Scenic Oaks First and Second Additions.</p> <p>Wishing to be heard was Mark Welch, GGG Engineering, Chatfield, representing the developer. He noted agreement with the four conditions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Marcoux moved, Nowicki seconded, to approve Amendment to General Development Plan #135 known as Scenic Oaks by Hanson &amp; Younge LLC</p>   |

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| E-10        | <p>with four conditions and instructed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Ayes (7), Nays (0). Motion carried.</p> <p>A Hearing on Type III, Phase II Special District Amendment Final Site Development Plan #03-05 by D &amp; B Incorporated of Rochester for property located along the south side of 55<sup>th</sup> Street, east of the Merchants National Bank and west of the Affinity Plus Credit Union.</p> <p>Brent Svenby, Planning Department, noted the first condition has been met. There will be an adequate 10-foot buffer to the west as recommended.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, Stobaugh seconded, to adopt Resolution No. 069A-04 approving Special District Amendment Final Site Development Plan #03-05 by D &amp; B Incorporated of Rochester with Conditions 2 through 5. Ayes (7), Nays (0). Motion carried.</p> |
| E-11        | <p>A Hearing on Preliminary Plat #03-42 to be known as Century Hills Eighth Subdivision by Payne Company located east of East Circle Drive and is a part of the Century Hills Development and includes requesting approval for a Substantial Land Alteration.</p> <p>Wishing to be head was Wade DuMond, Yaggy-Colby, representing the developer. He said that they are in agreement with the seven conditions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Nowicki moved, Stobaugh seconded, to approve Preliminary Plat #03-42 to be known as Century Hills Eighth Subdivision by Payne Company with seven conditions and adopt Resolution No. 070-04 approving the Substantial Land Alteration and instructing the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Ayes (7), Nays (0). Motion carried.</p>   |
| E-12        | <p>A Hearing on Preliminary Plat #03-43 by Bamber Valley Development, to be known as Bamber Valley Estates Second located north of Sale Road/CR 25, adjacent to Bamber Valley Estates Subdivision and east of Westhill Drive SW.</p> <p>Wishing to be heard was Kristi Clarke, McGhie &amp; Betts, representing the developer. She noted agreement with the four conditions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Stobaugh moved, Marcoux seconded, to approve Preliminary Plat #03-43 by Bamber Valley Development, to be known as Bamber Valley Estates Second with four conditions and instructed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Ayes (7), Nays (0). Motion carried.</p>   |

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| E-13        | <p>A Hearing on Preliminary Plat #03-44 by Arcon Development, Inc. to be known as Hart Farm Third located west of 18<sup>th</sup> Avenue SW, north of 48<sup>th</sup> Street SW and south and west of Hart Farm Second.</p> <p>Wishing to be heard was Kristi Clarke, McGhie &amp; Betts, representing the developer. She noted agreement with the eight conditions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Stobaugh moved, Hanson seconded, to approve Preliminary Plat #03-44 by Arcon Development, Inc. to be known as Hart Farm Third with eight conditions and instructed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Ayes (7), Nays (0). Motion carried.</p>  |
| E-14        | <p>A Hearing on Preliminary Plat #03-45 by Arcon Development, to be known as Summit Pointe Fourth located along the south side of 65<sup>th</sup> Street, east of 50<sup>th</sup> Avenue NW and north of Summit Pointe Third.</p> <p>Wishing to be heard was Jeff Broberg, McGhie and Betts, representing the applicant. Mr. Broberg said that they are in agreement with the nine conditions. He also pointed out there was a referral to Decorah Shale on a map provided by the County staff. There is no Decorah Shale present in this development; the map was erroneously provided for another piece of property.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, Stobaugh seconded, to approve Preliminary Plat #03-45 by Arcon Development, to be known as Summit Pointe Fourth with nine conditions noting that there is no Decorah Shale present in the development, adopted Resolution No. 071-04 approving the Substantial Land Alteration and instructed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Ayes (7), Nays (0). Motion carried.</p> |
| E-15        | <p>A Hearing on Final Plat #04-01 to be known as South Pointe Tenth by All Pointe Development located along the south side of South Pointe Drive SW and west of TH 63 and south of 60<sup>th</sup> Street SW.</p> <p>Wishing to be heard was Kristi Clarke, McGhie &amp; Betts, representing the developer. They are in agreement with the three conditions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, Means seconded, to adopt Resolution No. 072-04 approving Final Plat #04-01 to be known as South Pointe Tenth by All Pointe Development with three conditions. Ayes (7), Nays (0). Motion carried.</p>   |
| E-16        | <p>A Hearing on Vacation Petition #04-02, by All Pointe Development, to vacate utility easements on Lot 15, Block 5, South Pointe Ninth.</p>  |

| Agenda Item |  |
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|             | <p>Having no one wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, Stobaugh seconded, to adopt Resolution No. 073-04 approving Vacation Petition #04-02, by All Pointe Development. Ayes (7), Nays (0). Motion carried.</p>  |
| E-17        | <p>A Hearing on Adoption of Development District No. 29, Establish Development District Tax Increment Financing District No. 29-1 and Adopt the Related Tax Increment Financing Plan.</p> <p>Having no one wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Stobaugh moved, Marcoux seconded, to adopt Resolution No. 074-04 adopting Development District No. 29, Establishing Development District Tax Increment Financing District No. 29-1 and Adopting the Related Tax Increment Financing Plan. Ayes (7), Nays (0). Motion carried.</p> |
| F-1         | <p>Councilmembers Stobaugh moved, Nowicki seconded, to adopt Resolution No. 075-04 approving the execution of a Development Assistance Agreement with DeWitz Construction for the Rose Harbor Estates and Manorwood Lakes 6<sup>th</sup> Subdivisions (#29-1) Tax Increment Financing project. Ayes (7), Nays (0). Motion carried.</p>   |
| G-2a        | <p>An Ordinance Creating and enacting Subdivision 4 to Section 111A.011, and Amending and Reenacting Sections 111A.014 and 111A.020 of the Rochester Code of Ordinances, Relating to Regulation of Pawnbrokers, was given a first reading.</p>   |
| G-2b        | <p>An Ordinance Creating and enacting Section 66.105 to the Rochester code of Ordinances, Relating to the Adoption of an Interim Ordinance Regulating the Construction of Detached or Attached Accessory Structures Housing Wood Burning Stoves or Furnaces Within the City of Rochester, was given a first reading.</p>   |
| G-2c        | <p>An Ordinance Rezoning Approximately 94.14 Acres of Property From the R-1 Zoning District to the R-1X Zoning District, and amending Ordinance No. 2785, Known as the Zoning Ordinance and Land Development Manual of the City of Rochester, Minnesota, was given a first reading. (West of Highway 63, South of Highway 52 and Southtown Heights, North of 36<sup>th</sup> Street S.W. – Zoning District Amendment #03-22)</p>   |
| G-2d        | <p>An Ordinance Rezoning Approximately .31 Acres of Property From the R-3 Zoning District to the B-1 Zoning District, and Amending Ordinance No. 2785, Known as the Zoning Ordinance and Land Development Manual of the City of Rochester, Minnesota, was given a first reading. (South side of 12<sup>th</sup> Street N.E., East of McDonald's Restaurant – Zoning District Amendment #03-18)</p>   |
| G-2e        | <p>An Ordinance Creating and Enacting Chapter 64P and Amending and Reenacting Section 60.327 of the Rochester code of Ordinances, Relating to the Establishment</p>  |

RECORD OF OFFICIAL PROCEEDINGS OF THE COMMON COUNCIL  
CITY OF ROCHESTER, MINNESOTA  
Adjourned Meeting No. 3 – February 2, 2004

6996

| Agenda<br>Item |   |
|----------------|---|
|                | <p>of the Valley Side Estates Three Subdivision Special District, was given a first reading. (Special District #03-07)</p>  |
| G-3a           | <p>An Ordinance Amending and Reenacting Section 60.175 of the Rochester Code of Ordinances, Relating to Land Use and Development Processing Fees, was given a second reading. Councilmembers Hanson moved, McConnell seconded, to adopt the Ordinance as read. Ayes (7), Nays (0). Motion carried. (Text Amendment #03-09)</p>  |
| G-3b           | <p>An Ordinance Rezoning Approximately 7.94 Acres of Property From the H Zoning District to the B-4 Zoning District, and Amending Ordinance No. 2785, Known as the Zoning Ordinance and Land Development Manual of the City of Rochester, Minnesota, was given a second reading. Councilmembers Stobaugh moved, Marcoux seconded, to adopt the Ordinance as read. Ayes (7), Nays (0). Motion carried. (Zoning District Amendment #03-23 – 4006 Highway 14 East)</p>                                     |
| G-3c           | <p>An Ordinance Rezoning Approximately 2.95 Acres of Property From the H Zoning District to the R-1 Zoning District, and Amending Ordinance No. 2785, Known as the Zoning Ordinance and Land Development Manual of the City of Rochester, Minnesota, was given a second reading. Councilmembers McConnell moved, Stobaugh seconded, to adopt the Ordinance as read. Ayes (7), Nays (0). Motion carried. (Zoning District Amendment #03-26 – East of 40<sup>th</sup> Avenue SE, South of Highway 14)</p> |
| G-3d           | <p>An Ordinance Amending and Reenacting Subdivision 3 of Section 64B.100 of the Rochester Code of Ordinances, Relating to the Lane Covered by the Arboretum Special District, was given a second reading. Councilmembers Marcoux moved, Stobaugh seconded, to adopt the Ordinance as read. Ayes (7), Nays (0). Motion carried. (SD#1)</p>   |
| G-3e           | <p>An Ordinance Amending and Reenacting Section 3.001 of the Home Rule Charter of the City of Rochester, Relating to the Notification Period for Special Elections to Fill Vacant Offices, was given a second reading. Councilmembers McConnell moved, Marcoux seconded, to adopt the Ordinance as read. Ayes (7), Nays (0). Motion carried.</p>  |
| G-3f           | <p>An Ordinance Establishing the Salaries of the Mayor, Councilmember-At-Large, and Councilmember, was given a second reading. Councilmembers Hanson moved, Stobaugh seconded, to adopt the Ordinance as read. Ayes (7), Nays (0). Motion carried.</p>  |
| J-1            | <p>Having no further business, Councilmembers Hanson moved, Stobaugh seconded, to adjourn the meeting. Ayes (7), Nays (0). Motion carried.</p>  |

  
City Clerk